

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1384.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 18, 1911, the United States Attorney for the Middle District of Tennessee, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 18 boxes of Daisy cheese in the possession of W. A. Chambers & Co., of Clarksville, Tenn. The product was labeled: "Crosby & Meyers, Louisville, Ky. W. A. Chambers & Co., Clarksville, Tenn."

The Bureau of Chemistry of the United States Department of Agriculture, after an investigation, reported on this consignment as follows: "The consignment was shipped by Crosby & Meyers and taken from this firm's stock in the Merchants Ice and Cold Storage Co., of Louisville. Each of the packages bears marks in Arabic numerals indicative of the net weight, and was invoiced and charged for accordingly. These marks indicate that the weights range from 21 to 22 pounds per package, and the inspector procured a signed statement to the effect that such numerals, according to custom of trade, were accepted by the consignee as a true statement of the net weight. Two boxes are marked 20 pounds each, 8 are marked 21 pounds each, and 8 are marked 22 pounds each, making a total of 384 pounds. Accurate determination of the net weight showed that two boxes were one-half pound short each, three boxes three-fourths pound short each, seven boxes 1 pound short each, four boxes $1\frac{1}{4}$ pounds short each, and two boxes $1\frac{1}{2}$ pounds short each, making a total shortage of $18\frac{1}{4}$ pounds or 4.75 per cent." The libel alleged that the product, after shipment by Crosby & Meyers, of Louisville, Ky., from the State of Kentucky into the State of Tennessee, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that the product being in package form and the contents stated in terms of weight or measure were not correctly stated on the outside

of the package, and the statements on the package were therefore false and misleading and calculated to deceive and mislead the purchaser of said product.

On October 20, 1911, the case coming on for hearing and W. A. Chambers & Co., through their attorney, having filed answer and claim to the product, the court found the cheese misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States, but authorizing its release to the said W. A. Chambers & Co. upon the payment of all costs and the execution of a bond by said company in the sum of \$250, conditioned that said product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 3, 1912.*

